

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

JOSE FRANCISCO GUZMAN-CABRERA,

Defendant.

18-CR-868 (SHS)

ORDER

SIDNEY H. STEIN, U.S. District Judge:

On September 11, 2024, Jose Francisco Guzman-Cabrera filed a motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2). (ECF No. 113.) However, Guzman-Cabrera has since been released from custody. *See Find an Inmate*, BOP.gov, https://www.bop.gov/mobile/find_inmate/index.jsp (last visited Jan. 27, 2025) (BOP Register Number 07122-509). Guzman-Cabrera's motion to reduce his sentence is therefore dismissed as moot.

At the conclusion of his motion, Guzman-Cabrera includes a "note" in which he states that his attorney "pressured him into taking [a] plea agreement" against his will. (ECF No. 113 at 19-20.) Given this statement, it is possible that Guzman-Cabrera intended this "note" to constitute a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 on the basis of ineffective assistance of counsel.

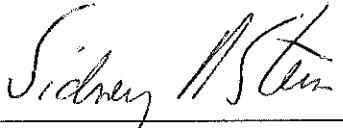
Guzman-Cabrera has previously filed a motion seeking relief pursuant to 28 U.S.C. § 2255, which the Court denied on the merits on July 17, 2023. (*See* ECF No. 107.) As a result, if Guzman-Cabrera wishes to continue to pursue this application, he must first seek permission from the United States Court of Appeals in order to do so. *See* 28 U.S.C. § 2255(h); *Fuller v. United States*, 815 F.3d 112, 113 (2d Cir. 2016).

The Clerk of Court is directed to mail a copy of this Order to Jose Francisco Guzman-Cabrera at Moshannon Valley ICE Processing Center, 555 Geo Drive, Philipsburg, PA 16866.

Dated: New York, New York

January 27, 2025

SO ORDERED:



Sidney H. Stein, U.S.D.J.